Appln. No. 09/874,630
Amendment dated September 8, 2005
Reply to Office Action mailed June 8, 2005

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 42 remain in this application. No claims have been cancelled or withdrawn. Claims 43 and 44 have been added.

Parts 1 through 3 of the Office Action

Claims 1, 2, 5 through 8, 12 through 15, 18, 20 through 23, 25 through 26, 28 through 30, 32 through 33, and 35 through 37 have been rejected under 35 U.S.C. §102(e) as being anticipated by Morimoto et al.

Claims 9, 10, 16, 31 and 38 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Morimoto in view of Lau et al.

Claims 11, 17, and 19 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Morimoto in view of Miura.

Claim 1 defines a method and requires "receiving a file on the client computer, wherein the file is written in *a source format unreadable by the client computer*" (emphasis added) and "selecting one of the plurality of servers having the *highest conversion rating* assigned thereto corresponding to the source format of the received file".

The rejection of the claims in the Office Action alleges that the Morimoto patent discloses the requirements of claim 1, but the Morimoto patent discusses a system that is directed to translation of the language of a document in a foreign language, and is not concerned with the format of the file itself, but instead the language of the text contained in the file. Morimoto is thus concerned with selecting a dictionary resource, such as is described in the Morimoto patent at col. 2, lines 16 through 21 (emphasis added):

> It is a further object of the present invention to provide a machine translation method in which a translated sentence of a high quality can

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be created by <u>retrieving dictionary information through a network</u> even if a processing speed of a dictionary retrieval through the network is not sufficient when a client executes a translation processing.

However, claim 1 requires that "the file is written in *a source format unreadable by the client computer*", while the Morimoto system addresses a situation in which the text of a document on the Internet is written in a language that is not the *user's* language. The Morimoto patent is not concerned with whether the file format of the Internet document is readable by the Morimoto system--clearly the document must be readable by the system or the system could not attempt to translate the language of the document--but rather is simply concerned with accessing dictionaries when an "unknown" word that "cannot be translated" is encountered in the document. See, for example, col. 2, lines 32 through 42 (emphasis added):

> According to the present invention, there is provided a machine translation method of translating a document by using a translation knowledge. The machine translation method comprises the steps of transmitting an inquiry for inquiring a translation knowledge used to translate <u>a syntactic unit containing an unknown word</u> and having a correct grammar to a network <u>when an unknown word that cannot be translated</u> is recognized during a document is translated, continuing translating a syntax following the syntactic unit, and completing the translation of the syntactic unit by using an answer when the answer to the inquiry is received.

Thus, the language translation is performed by a client computer of the Morimoto system that clearly recognizes and reads the language or format of the document, which is contrary to the requirement of claim 1 that "the file is written in a source format unreadable by the client computer". This is confirmed by the portion of the Morimoto patent referenced in the Office Action at col. 4, lines 49 through 60 (emphasis added):

> As shown in FIG. 1, a plurality of servers 1 and a plurality of clients 11 are connected to a network. <u>Each of the clients 11 is able to execute a translation processing alone by using a client dictionary 14 and a grammar 15.</u> Further, when a translation is executed, the client 11 requests the dictionary server 1 to <u>retrieve dictionary information concerning dictionary entries which do not exist on the client dictionary 14, and executes a translation by using both returned</u>

> dictionary information and the client dictionary 14. The dictionary
> server 1 receives dictionary information retrieval request concerning a
> certain dictionary entry from the client 11, and returns dictionary
> information concerning the above dictionary entry to the client 11.

If the "client" of Morimoto is able to perform the translation alone, then the
"file format" is clearly "readable" by the Morimoto client, in contrast to the
requirement of claim 1 that "the file is written in a source format
unreadable by the client computer". Even if the Morimoto client is unable
to translate "dictionary entries which do not exist on the client dictionary",
it is apparent to one of ordinary skill in the art that the Morimoto client is
able to "read" the file format of the document being translated, and merely
requests information about "dictionary entries" that don't happen to be on
the client's dictionary, and may not make any requests at all if the words
are all contained in the client dictionary. This would not be possible if the
file were in a source format that was "unreadable".

In light of this clear evidence in the Morimoto patent, it is conceded
in the Office Action that:

> Morimoto is silent with respect to receiving a file on the client
> computer, wherein the file is written in a source format unreadable by
> the client computer.

However, as noted above, the document received by the Morimoto client is
clearly readable by the client, as Morimoto says that the client is able to
perform the translation processing *alone*, and only resorts to consulting the
dictionary server when a word is encountered that is not in the client
dictionary. Clearly, a word within a document that is unknown does not
render a file or a format "unreadable" by the client computer.

It is then contended in the Office Action that:

> However, it is inherent that if a computer does not posses the
> resource/software/programs to recognize a file it will be unreadable to
> the computer. Morimoto teaches the client requests the server to
> retrieve information concerning entries, which do not exist on the
> client, and executes a translation (Figure 1 column 4, lines 49-56)

However, nothing in the Morimoto patent discloses that other dictionaries are consulted if a file is not "recognized", merely that one or more of the constituent words of the document are "unknown" (among the rest of the words that are known), and thus reference needs to be made to another dictionary. The possibility that the Morimoto client may request information about some of the words or entries within a document being translated does not mean that the "file format" of the document is "unreadable" by the Morimoto client. Contrary to the statement in the Office Action, Morimoto discloses to one of ordinary skill in the art that the format of the document is readable, as the document is translated by the client, even if some of the terms used in the document may not be known in the client's dictionary. As an analogy, if an optical character reading program scans a document and is able to recognize most of the characters but is not able to recognize some exceptions, the "format" of the document is not considered "unreadable". Similarly, if a voice recognition system is able to recognize some of the spoken words but is not able to recognize other words, it is not because the "file format" is "unreadable".

That only a portion of a document (such as a word) is unknown by the Morimoto client (and not the file format of the whole document) is made apparent in the patent at col. 13, lines 29 through 36 (emphasis added):

> A machine translation method using a dictionary server will be described. In the machine translation method according to this embodiment, during a translation is executed, the client side recognizes a portion which cannot be translated such as an unknown word by using a dictionary and a grammar and also issues a retrieval request of a translation knowledge such as dictionary information to the dictionary server which has been described so far.

In summary, the inability to translate a word within a document file of words is not equivalent to the source format of the file being unreadable by the computer.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Morimoto et al., Lau et al, and Miura et al. set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1.

Further, claim 7 requires "receiving from the selected server the received file written in a conversion format readable by the client computer"; claim 20 requires "receiving a file on the client computer, wherein the file is written in a source format unreadable by the client computer"; claim 23 requires "receiving a file on the client computer, wherein the file is written in a source format unreadable by the client computer"; claim 26 requires "receiving a file on the client computer, wherein the file is written in a format unreadable by the client computer"; claim 34 requires "receiving a file on the client computer, wherein the received file is written in a format unreadable by the client computer"; and claim 40 requires "receiving a file on the client computer, wherein the received file is written in a format unreadable by the client computer". In light of the discussion above with regard to the similar requirements of claim 1, it is submitted that these claims are also allowable over the prior art.

Withdrawal of the §102(e) rejection of claims 1, 2, 5 through 8, 12 through 15, 18, 20 through 23, 25 through 26, 28 through 30, 32 through 33, and 35 through 37 is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claims 9, 10, 16, 31 and 38 is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claims 11, 17, and 19 is therefore respectfully requested.

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Part 4 of the Office Action

Claims 5, 22, and 25 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

It is not clear what is being objected to in the listed claims, as the rejection refers to "selection criteria" (in quotes), which is terminology that does not appear in any of these claims. However, the above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 5, 22, and 25 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

signature   Date: _SEPT. 8, 2005_

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